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BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

In the Matter of

DALE RATCLIFFE, D.O.

Holder of License No. **4581**
For the Practice of Osteopathic Medicine
In the State of Arizona.

Case No. DO-15-0139

**INTERIM CONSENT AGREEMENT
FOR LICENSE SUSPENSION and
SUBSTANCE ABUSE EVALUATION**

INTERIM CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") and Dale Ratcliffe, D.O., ("Respondent") the parties agree to the following interim action in this matter.

1. Respondent has read and understands this Interim Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement"). Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter.

2. By entering into this Interim Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Interim Consent Agreement.

3. This Interim Consent Agreement will not become effective until approved by the Board and signed by the Executive Director.

4. All admissions made by Respondent are solely for interim disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use,

1 such as in the context of another state or federal government regulatory agency proceeding, civil or
2 criminal court proceeding, in the State of Arizona or any other state or federal court.

3 5. Respondent may not make any modifications to the document. Upon signing this
4 agreement, and returning this document (or a copy thereof) to the Executive Director, Respondent
5 may not revoke acceptance of the Interim Consent Agreement. Any modifications to this Interim
6 Consent Agreement are ineffective and void unless mutually approved by the parties.

7 6. This Interim Consent Agreement, once approved and signed, is a public record that
8 will be publicly disseminated as a formal action of the Board and will be reported to the National
9 Practitioner Databank and on the Board's website.

10 7. Once the Interim Consent Agreement is accepted and signed by Respondent and
11 approved by the Board and signed by the Executive Director, the Board's rescission of its June 25,
12 2015, Order of Summary Suspension becomes effective.

13 8. If any part of the Interim Consent Agreement is later declared void or otherwise
14 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in force
15 and effect.

16 
17 DALE RATCLIFFE, D.O.

Dated: 7/20/15

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of the
3 practice of osteopathic medicine in the State of Arizona. Respondent is the holder of License No.
4 4581 for the practice of osteopathic medicine in the State of Arizona and was employed as an
5 osteopathic physician at Pima Pain Center in Tucson, Arizona since January 2015; his employment
6 terminated in mid-June 2015.

7 2. Respondent is currently registered with the U.S. Drug Enforcement Agency to
8 prescribe controlled substances in schedules II – V under DEA No. BR9231084.

9 3. On June 15, 2015, Respondent was arrested by an Arizona Department of Public
10 Safety Officer, Brian Petersen, and was charged with illegal possession of narcotics, dangerous
11 drugs, and drug paraphernalia.

12 4. At the time of Respondent's arrest, it was alleged that he was in possession of (1) 4.3
13 grams of Methamphetamine, (2) two syringes of expired Morphine, (3) an unknown quantity of
14 Lidocaine, (4) and R.W.'s medical records.

15 5. At the time of Respondent's arrest, it was alleged that he admitted to using
16 Methamphetamine that morning before engaging in the practice of medicine at Pima Pain Center.

17 6. At the time of Respondent's arrest, it was alleged that he had possession of R.W.'s
18 patient records and admitted to engaging in sexual relations with R.W., a former patient to whom
19 he was prescribing/providing drugs.

20 7. A review of the Arizona Prescription Monitoring Database revealed that Respondent
21 prescribed Oxycodone tablets for R.W. on four different occasions between April 26, 2015 and
22 June 5, 2015. It was alleged that R.W. is not a patient of Pima Pain Center in Tucson, Arizona.

23 8. Respondent prescribed B.C. sixty Oxycodone 10 mg tablets on May 21, 2015.
24 It was alleged by Pima Pain Center staff that B.C. is not a patient. Upon information and belief,
25 B.C. is R.W.'s son.

9. Upon review of the Arizona Prescription Monitoring Database, it was revealed that between January 9, 2015 and June 12, 2015, nine narcotic controlled substance prescriptions were written by Respondent and filled for B.C. Of these nine prescriptions, six were for Oxycodone and three were for Morphine.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct, if proven, as set forth above constitutes a violation of A.R.S. § 32-1854(2), (3), (19), (21), (22), (36), (38), (39).

ORDER

IT IS HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice osteopathic medicine, No. 4581, is **SUSPENDED**. Respondent shall not practice medicine of any kind, this includes any medicine involving direct or indirect patient care, and Respondent is prohibited from prescribing any form of treatment or medications, until Respondent applies to the Board and receives permission to do so as set forth below. The suspension of Respondent's license is effective immediately upon signature of this Order by the Board's Executive Director.

2. Respondent shall submit to and successfully complete (a) a comprehensive substance abuse evaluation to include appropriate biological, hair and/or toenail testing for substance abuse within fifteen (15) days of the effective date of this Interim Consent Agreement and (b) a treatment program as recommended by the evaluator, at a facility approved by the Executive Director. The comprehensive substance abuse evaluation shall be performed by an evaluator approved by the Executive Director.

1 3. Licensee shall sign such releases as are necessary to ensure that the report(s) of the
2 evaluation and subsequent treatment are made directly to the Executive Director of the Arizona
3 Board of Osteopathic Examiners in Medicine and Surgery.

4 4. Pursuant to A.R.S. § 32-1855 (B) this testing and evaluation shall be at Respondent's
5 expense.

6 5. The suspension of Respondent's license shall continue until such time the Board
7 determines, in its sole discretion, that Respondent may safely resume the practice of medicine. As
8 part of this determination, the Board may order Respondent to undergo a practice assessment by an
9 organization approved by the Executive Director. Upon a finding that Respondent may safely
10 resume practice in the State of Arizona, the Board may terminate or modify the license suspension
11 and/or place other practice restrictions on Respondent, as deemed necessary after notice and an
12 opportunity for hearing.

13 6. This is an interim order and not a final decision by the Board regarding the pending
14 investigative file and as such is subject to further consideration and modification by the Board.

15 DATED AND EFFECTIVE this 21st day of July, 2015.



ARIZONA BOARD of OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY

By Jenna Jones
Jenna Jones
Executive Director

1 ORIGINAL of the foregoing filed this
2 21st day of July, 2015 with:

3 The Arizona Board of Osteopathic Examiners
4 In Medicine and Surgery
5 9545 East Doubletree Ranch Road
6 Scottsdale, AZ 85258

7 EXECUTED COPY of the foregoing mailed by
8 US Certified Mail this 21st day of July,
9 2015 to:

10 Steve Myers, Esq.
11 Myers and Jenkins
12 One E. Camelback Road, Ste. 500
13 Phoenix, AZ 85012

14 Dale Ratcliffe, D.O.
15 (address of record)

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